

Message

From: Soscia, Mary Lou [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0849F6BC30264A53B883725E58333224-SOSCIA, MARY L.]
Sent: 2/11/2019 5:30:07 PM
To: Franklin, Richard [Franklin.Richard@epa.gov]
Subject: RE: WA Hydro Dams NPDES wkly update, 2/8/19

I am, thanks. ☺

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From: Franklin, Richard
Sent: Saturday, February 09, 2019 1:52 PM
To: Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Subject: Fwd: WA Hydro Dams NPDES wkly update, 2/8/19

Hey There. Are you getting these updates? Interested?

Sent from my iPhone

Begin forwarded message:

From: "Wu, Jennifer" <Wu.Jennifer@epa.gov>
Date: February 8, 2019 at 5:22:29 PM PST
To: "Mann, Laurie" <mann.laurie@epa.gov>, "Guzzo, Lindsay" <Guzzo.Lindsay@epa.gov>, "Franklin, Richard" <Franklin.Richard@epa.gov>, "Cool, Richard" <Cool.Richard@epa.gov>
Cc: "Croxtton, David" <Croxtton.David@epa.gov>
Subject: FW: WA Hydro Dams NPDES wkly update, 2/8/19

Whew – TGIF! Dave, for your entertainment. Have a great weekend.

From: Wu, Jennifer
Sent: Friday, February 08, 2019 5:20 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Merz, Martin <merz.martin@epa.gov>; Clayton, Alexandra L. <clayton.alexandra@epa.gov>; Stoddard, Jamey <Stoddard.Jamey@epa.gov>
Subject: WA Hydro Dams NPDES wkly update, 2/8/19

What a week and a half for the WA hydro dam permits! Below is the consolidated information that most of you are aware of. We continue to make good progress on the BE and permits, which we will continue next week.

Lower Columbia, Lower Snake River, Grand Coulee Dams

1. 401 certs (Washington and Oregon) and press coverage –
 - On January 30, 2019, Ecology's public notice of our 401 cert request for the WA hydro dams included EPA's contact info for receiving copies of the draft permit. Since then,

we received 10 requests for the permits: BPA, Army Corps, BOR, Avista, Stoel-Rives (law firm), Center for Environmental Law and Policy, Upper Columbia United Tribes (UCUT), Chelan PUD, a private citizen, journalist from Clearing Up (energy trade journal).

- On January 31, 2019, the Seattle Times ran a long, front page story on TMDL studies, the permits, and information from Ecology that they intended to require the permits to cover temperature from dam operations in their 401 cert.
 - On February 1, 2019, EPA R10 was directed to withdraw our 401 cert requests on the dam permits from Washington, Oregon, and Colville Tribes (Grand Coulee) and request that materials with EPA's 401 request (pre-draft permits and Fact Sheet) were returned.
 - On February 5, 2019, Ecology responded to EPA that they didn't understand why EPA was withdrawing its request and would not return the pre-draft permits and fact sheets.
 - On February 7, 2019, the Seattle Times ran a second front page story on EPA's withdrawal request and Ecology's response.
 - On February 8, 2019, E&E Greenwire and Columbia Basin Bulletin wrote articles on EPA's withdrawal, and Columbia Riverkeeper issued a press release.
 - On February 8, 2019, at a meeting among federal executives, the Army Corps questioned whether 401 certifications apply at dams that are congressionally authorized. Courtney is researching.
2. Questions/Requests from Public – Yesterday, EPA HQ cleared a press statement on the dams: "EPA has determined that the preliminary draft permits for which we had requested water quality certification need additional internal review. Therefore, we have withdrawn our requests for water quality certification at this time. We fully intend to reinstate our requests for water quality certification after we have completed our internal review and updated the preliminary draft permits, as appropriate." We can also add that when we go out with public drafts of the permits, there will be an opportunity to comment. We had been unable to make statements to the public before Thursday, 2/7/19, without clearance from EPA HQ. We have gotten inquiries from the pre-draft permit requestors, Army Corps, Columbia Riverkeeper, Yakama Nation, Colville Tribes, Oregon, and Ecology, among others. This is a combination of inquiries to Dan, Courtney, me, Mark MacIntyre, and perhaps others. If you get questions, please note the press release above.
3. 316(b) – At a meeting among federal executives on 2/8/19, Ex. 5 AC/DP
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4. Permit development – We received Courtney and Susan's comments on a permit and Fact Sheet. Martin and I have developed a systematic way to address comments and incorporate these into the other 8 permits and 2 fact sheets, so will be working on this next week. The most significant remaining issue other than 316(b) is PCB Plan and monitoring requirements, which Martin will be working on. Thanks, Martin!
5. ESA Consultation – Alex Clayton made significant progress on the BE that Martin and I had been working on. As a result, we have a draft BE for Jamey and John's reviews. (Thanks to all of you!) In addition, John spoke with NOAA who is working aggressively to complete a revised FCRPS BiOp by early April 2019. The revised BiOp will likely include a limited analysis of the impact from the permitted discharges, and general language covering discharges. Ex. 5 Deliberative Process (DP)
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6. Tribal Consultation – Yakama Nation called on 2/7/19 concerned with the progress of the permits given the Seattle Times. I talked with my contact, and we agreed to hold off on Chris Hladick and Dan going to Tribal Council until we are out for public comment with the permits. I will be sending a message to tribes.

Overall

1. Internal communications – No updates

External communications –

- a. Tribes – See above under Tribal Consultation
- b. Services – See above under ESA consultation
- c. Federal Caucus - no update
- d. BOR – See above under communications
- e. US Army Corps – See above under 401 cert and communications.
- f. Columbia Riverkeeper – Dennis McLerran contacted Dan. Lauren Goldberg contacted me. Courtney is responding to Lauren Goldberg.
- g. Ecology – See above under 401 cert and communications
ODEQ – See above under 401 cert and communications
- h. BPA – See above under 401 cert and communications.

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